

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of) WT Docket No. 04-140
)
Amendment of Part 97 of the Commission's Rules)
Governing the Amateur Radio Service)
)

TO: The Commission

COMMENTS OF JOHN B. JOHNSTON

THIS COMMENTER

1. These are the comments of John B. Johnston ("this commenter"), a Commission-licensed amateur operator of over fifty years, an Amateur Extra Class licensee for forty years, and the amateur station license grantee of W3BE. Additionally, this commenter is a volunteer examiner ("VE"), a volunteer license examination preparation instructor, a member of the National Conference Volunteer Examiner Coordinators' ("VECs") Question Pool Committee, a designated Elmer¹ for a local amateur radio club, and the author of numerous columns published in the amateur service print media answering readers' questions about the Commission's rules for the amateur service. As such, this commenter has great interest in the future well being of our amateur service and for maintaining harmony and goodwill within our amateur service community.

INTRODUCTION

2. The subject *Notice of Proposed Rulemaking (Notice)*, the Commission proposes to revise operating privileges for amateur service licensees as well as to eliminate obsolete and duplicative rules in our amateur service. This it has done exceptionally well. The *Notice* demonstrates that the Commission has an excellent understanding of the unique nature of our amateur service. This commenter supports the *Notice* of Propose Rulemaking in its entirety.

EXPAND OUR FLEXIBLE-USE POLICY

3. The *Notice* proposes to amend our Rules to allow auxiliary stations to transmit on our two-meter band above 144.5 MHz, except 145.8-146.0 MHz, in addition to our frequency segments currently authorized.² This is a very excellent start. This will have the effect of making many of our off-the-shelf VHF/UHF crossband transceivers more useful in our systems that we operate under our telecommand provisions.³ This commenter would go further and remove all frequency restrictions on auxiliary station transmissions. The potential for an auxiliary station creating harmful interference is no more of an issue that it is for any other type

¹ "Elmer" is a term for an operator who helps others resolve day-to-day technical and operating issues encountered in the amateur service community.

² Notice at ¶ 22.

³ See 47 C.F.R. § 97.213.

of operation. True, there may be times and places where such operation is not practical. But that is also true for practically any other type of amateur station operation. Our current rule is an unnecessary one that has taken on a life of its own and is contrary to our flexible-use policy. It serves, unfortunately, to deprive remote control technology from those amateur operators who are in situations where they cannot have an effective high frequency amateur station at their place of residence.

ALLOW US TO SPEAK FOR OURSELVES

4. The *Notice* proposes to amend our Rules to allow currently licensed amateur radio operators to designate a specific amateur radio club to acquire their call sign *in memoriam*.⁴ This amendment would provide currently licensed amateur operators with the option, under our vanity call sign system⁵ (“vanity system”) to designate a specific amateur radio club as the entity they desire to acquire eventually their call signs *in memoriam*. Our current rule excludes current licensees from speaking for themselves *ante mortem* in this regard. Rather, it requires their relatives to speak for them *post mortem*.⁶

5. Our vanity system contains a provision for a club station to obtain a deceased member’s former amateur station call sign deceased *in memoriam*. Our license trustee is permitted to request for our club’s station the call sign previously shown on the station license grant of a club member now deceased. Our request can be made immediately upon the death of our member, provided there is in our club station records a written statement from a spouse, child, grandchild, stepchild, parent, grandparent, stepparent, brother, sister, stepbrother, stepsister, aunt, uncle, niece, nephew or in-law of the person, *post mortem* attesting to the person’s association with our club and showing consent of the relative to our request.⁷ The system omits our single most qualified person to execute such a written statement: the very person who held the call sign that is being requested! Rather, there are some 26 relatives qualified by our rules who can speak for this commenter, *post mortem*.

6. Our *in memoriam* provision in our vanity system is a splendid way for our clubs to recognize and honor the outstanding services and contributions to radio technology made by a past member. Each time our club station performs our identification procedure⁸ using the call sign long used by an esteemed member now deceased, it speaks out to our club members and others of our rich heritage of amateur radio.

7. Our current *in memoriam* provision, however, relies upon a written statement from a relative of our deceased member, *post mortem*. It is the commenter’s view that our vanity system should rely firstly on a written statement of consent by our member, *ante mortem*. It is awkward at best and painful at worst for our club station license trustee to request such a

⁴ Notice at ¶ 51.

⁵ 47 C.F.R. §97.19 Application for a vanity call sign, 47 C.F.R. §97.19, and <http://www.fcc.gov/wtv/amateur/vanity.html>.

⁶ 47 C.F.R. § 97.19(c)(3).

⁷ 47 C.F.R. §97.19(c)(1) makes the call sign available to other eligible stations after two (2) years.

⁸ 47 C.F.R. §97.119.

document from the family of the deceased during the time of bereavement. It should be only when the document has not been provided to our club by our member *ante mortem*, that one provided by a relative of our member *post mortem* be accepted.

8. As an amateur operator during the greater part of the existence of our amateur service,⁹ this commenter is in touch with numerous persons who have been amateur operators for many decades. As such, many are very concerned about the eventual assignment of their beloved station call signs. This commenter desires for it to be possible for an amateur service club to fulfill the express desire of a member by obtaining for its club station the former call sign of the member *in memoriam*. The rule amendment proposed would make a needed improvement in our *in memoriam* provision in our vanity system. It would remove the anomaly whereby reliance is on a document provided by a relative of the deceased person *post mortem*. The amended rule would rely first on a written statement by the person made *ante mortem*. This commenter, therefore, strongly supports the *Notice* looking toward to adopting this aspect of its proposal.

SUMMARY

10. The Commission is to be congratulated on the excellence of the *Notice*. The amendments proposed therein will facilitate the future well being of our amateur service and for maintaining harmony and goodwill within our amateur service community.

Respectfully submitted,

John B. Johnston
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May 12, 2004

⁹ This Commenter was first licensed on March 15, 1954.